

REMARKS

This Amendment, filed in reply to the Office Action dated July 25, 2006, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-22 are all the claims pending in the application and have been rejected under 35 U.S.C. § 103 as being unpatentable over the combination of Venable and Luo. Both references are previously of record.

It is noted that the Examiner essentially maintains the same rationale for the rejection and offers a few points in rebuttal. Though the Examiner's Rebuttal arguments refer to arguments submitted on May 8, 2006, it is believed that the Examiner actually refers to the arguments submitted on March 6, 2006, as the May 8 paper modified the claims but did not particularly set forth arguments against the substance of the rejections.

It is further noted that the Examiner has not offered any rebuttal to the arguments submitted regarding the impropriety of the combination and the arguments submitted as to why Venable and Luo teach away from each other. Applicant respectfully requests the Examiner to respond to the substance of this argument which remains un rebutted on the record.

In addition to reasons previously of record, Applicant submits that the Examiner's rejection cannot stand for the following reasons.

The Examiner continues to correctly concede that Venable does not teach "moving said crop boundary on said screen though an operation device, to place said reference point of said

crop boundary on an appropriate point of said image to synthesize.” This is because in Venable, the object (hatched portion of Figs. 5 and 8-9) refer to a rasterized portion which becomes merged with a pasteboard. The rasterized portion is set based on a mode selection (Figs. 5) and/or justification and control point selection (Figs. 8-9). Accordingly, the crop boundary is not moved on an appropriate point of the image to synthesize. The Examiner relies on Luo to make up for the deficiency.

However, in Luo, the movement of a boundary is made relative to an algorithm defined by a belief value. The belief value is defined as the relative importance or unimportance of objects appearing in an original image as determined by the calculating devices of the Luo invention. Col. 6, line 51 to col. 7, line 21.

The approach to editing in Venable merges the raster and the pasteboard which relies on the geometric boundaries of the target object and the pasteboard (See Fig. 5) or selected control point orientation or justification (See Figs. 8-9). Such a method of editing does not lend itself to the calculation of relative belief values for the object contained in the disclosed pasteboard. Similarly, the cumulative calculation of relative belief values of Luo does not lend itself to the strict adherence to justification or mode-fitting taught by Venable.

Moreover, the Examiner’s rationale to combine the references for purposes of allowing a user to increase performance in combine operations, such as synthesizing of an image, to enable attributes such as size, location and angle in an image to be altered for optimal image processing does not lead to the combination of Venable and Luo. This is because the Examiner concedes that Venable already allows for size, location and angle adjustment in the synthesis. Thus, there

is no reason to seek the teachings of Luo, and the combination with Luo is purely a result of hindsight reconstruction.

For all the foregoing reasons, independent claims 1 and 5-7 are patentable. Claims 1 and 5 have been further amended to include the features of claims 4 and 8, respectively. With further regard to the features of prior pending claims 4 and 8 and currently pending claim 6, these claims describe reference lines within a crop boundary and movement thereof. The Examiner refers to the child objects in Fig. 5 and the selection of different modes as the reference lines appearing within a crop boundary. However, the movement of the boundary lines in the claims is described as to keep an internal zone in predetermined proportion and position relative to the crop boundary. The Examiner cites the switching from mode to mode as the movement in the reference line. However, the switching of modes does not provide an internal zone in predetermined proportion and position relative to a crop boundary. For instance, switching from FitHeight to FitWidth completely eradicates any relation in proportion or position relative to a crop boundary. Therefore, claims 1, 5 and 6 are patentable for at least this reason.

The Examiner judges that Venable teaches the feature of reference line of the current claim 4, 6 and 8 (col. 12 lines 61-66). But this judgment is irrelevant.

Venable doesn't suggest the reference line to define an internal zone within crop boundary to be cropped. And further, the combination of Venable and Luo does not suggest moving at least one of the reference lines on said screen through said operation device while keeping the reference point on said appropriate point of displayed image.

With further regard to claim 2, this claim describes a reference point located in the crop boundary. It is further noted that based on its dependency on claim 1, the reference point also is placed on the image to synthesize. To the extent that Venable describes a control point internal to a crop boundary (Fig. 9), the control point is not on the image to synthesize (the hatched region of Fig.9). Luo does not make up for the deficiency because it is based on a cumulation of belief values and not any internally located reference point.

With further regard to claim 9, this claim describes display of templates in small size for selection. The Examiner cites Fig. 21 of Venable to teach this feature. However, the display relates to a menu of backgrounds rather than templates actually used for image synthesis.

With further regard to claims 13-16, these claims describe that an appropriate point for crop boundary movement is selected by a user. The Examiner cites Figs. 5 of Venable to teach this feature. However, because the Examiner concedes that Venable does not teach crop boundary movement, then Venable cannot teach the user based movement as described by these claims. The algorithm based selection in Luo does not make up for the above deficiency. Claim 19 is patentable for similar reasons.

With regard to claims 23 and 24, Venable discloses synthesizing the cropped image with the template image. However, Venable does not suggest the image to be printed is displayed in order to print.

On the other hand, in the present invention, this feature makes the operator ordinarily to perceive the whole image to be printed, so that the operator doesn't misconceive the kind of template to be currently selected.

With regard to claims 25 and 26, Venable discloses printing, but doesn't explicitly disclose specifying the number of hard copies of image to be printed.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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